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10/053,382

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Jeffrey G. Anderson

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03/18/2005

FISH & RICHARDSON, PC

12390 EL CAMINO REAL

SAN DIEGO, CA 92130-2081

EXAMINER

HOLLAR, ANDREA B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,382

Applicant(s)

ANDERSON, JEFFREY G.

Examiner

Andrea Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☒ Claim(s) 20 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/02, 5/30/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

HBK

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 100. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the reference number 104 references an item entitled "User Needs A File From Home PC" in figure 2, but references an item called "remote client" on page 16 of the specification. A reference number may not reference two separate things. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Claim Objections

Claim 20 is objected to because of the following informalities: "a speed module" is believed to be a typographical error. It is assumed that "a speech module" was intended and the claim will be examined as such. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the local agent". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the task queue". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the local agent". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the local agent". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the task queue". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the local agent". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the notification information". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the notification information". There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

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Claim 17 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the second portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the server side cache". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Meadway (6,675,205).

With respect to claim 1, Meadway discloses a computer implemented method for remote access to files for a server, comprising:

receiving a task request from a remote client, the task request identifying a file in a local computer (col. 6, lines 19-21);

adding the task request to a request queue (col. 1, lines 54-56);

receiving a poll from the local agent (col. 1, lines 56-57);

sending the task request stored in the task queue, responsive to the poll, to the local agent (col. 1, lines 56-58; col. 2, lines 9-11);

receiving the file at the server, responsive to the task request sent to the local agent (col. 1, lines 63-64); and

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setting notification information concerning the task request, the notification information indicating that the task request is complete (col. 1, lines 59-60).

With respect to claim 2, Meadway discloses notifying the remote client that the task request is complete, based on the notification information (col. 1, lines 63-64).

With respect to claim 3, Meadway discloses receiving a poll from the remote client, the poll causing the server to check the notification information (col. 1, lines 61-63).

With respect to claim 4, Meadway discloses:

storing the task request from the remote client in a first portion of a server side cache (col. 1, lines 54-56); and

storing the file from the local agent in a second portion of the server side cache (col. 1, lines 59-60).

With respect to claim 7, Meadway discloses a computer readable medium including sequences of instructions for causing one or more processors to perform acts for remote file access for a server, the sequences of instructions comprising:

receiving a task request from a remote client, the task request identifying a file in a local computer (col. 6, lines 19-21);

adding the task request to a request queue (col. 1, lines 54-56);

receiving a poll from the local agent (col. 1, lines 56-57);

sending the task request stored in the task queue, responsive to the poll, to the local agent (col. 1, lines 56-58, col. 2, lines 9-11);

receiving the file at the server, responsive to the task request sent to the local agent (col. 1, lines 63-64); and

setting notification information concerning the task request, the notification information indicating that the task request is complete (col. 1, lines 59-60).

With respect to claim 8, Meadway discloses instructions for notifying the remote client that the task request is complete, based on the notification information (col. 1, lines 63-64).

With respect to claim 9, Meadway discloses instructions for receiving a poll from the remote client, the poll causing the server to check the notification information (col. 1, lines 61-63).

With respect to claim 10, Meadway discloses instructions for:

storing the task request from the remote client in a first portion of a server side cache (col. 1, lines 54-56); and

storing the file from the local agent in a second portion of the server side cache (col. 1, lines 59-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meadway (6,675,205) in view of Microsoft Press Computer Dictionary.

With respect to claim 13, Meadway discloses a server comprising a task queue for receiving a task request from a remote client, the task request identifying a file in a local computer (col. 1, lines 54-56).

Meadway does not expressly disclose a communication stack for receiving a poll from a local agent.

Microsoft Press Computer Dictionary teaches that TCP/IP is the de facto standard for data transmission over networks (p. 462, col. 1, lines 37-38).

At the time of invention it would have been obvious to a person of ordinary skill in the art to use a TCP/IP communication stack in Meadway's server to provide connection establishment and

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communications between the peer system and the central site because TCP/IP is the de facto standard for data transmission over networks (p. 462, col. 1, lines 37-38).

Therefore it would have been obvious to combine Meadway and Microsoft Press Computer Dictionary for the benefit of a standard network to obtain the invention as specified in claim 13.

With respect to claim 14, Meadway further discloses notifying the remote client that the task request is complete, based on the notification information (col. 1, lines 63-64).

With respect to claim 15, Meadway further discloses that the server is further configured to receive a poll from the remote client, the poll causing the server to check the notification information (col. 1, lines 61-63).

With respect to claim 16, Meadway further discloses:

storing the task request from the remote client in a first portion of a server side cache (col. 1, lines 54-56); and

store the file from the local agent in a second portion of the server side cache (col. 1, lines 59-60).

With respect to claim 19, Meadway further discloses a database management system that holds remote client information, local agent information, and information relating users of the system (fig. 26).

Claims 5, 6, 11, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meadway (6,675,205) in view of Urazov (6,351,747), in further view of Microsoft Press Computer Dictionary.

With respect to claims 5, 11, and 17, Meadway discloses transferring the file from second portion of the server side cache to the remote client (col. 1, lines 63-64).

Meadway does not expressly disclose receiving an instruction from the remote client indicating how to transfer the file and removing the file from the second portion of the server side cache.

Urazov teaches that it is known to use user supplied preference data to mandate details of how data should be sent (col. 5, lines 38-40).

Meadway and Urazov are analogous art because they are both from the same field of endeavor of providing data to a user.

At the time of invention it would have been obvious to a person of ordinary skill in the art to use user preference data to determine how Meadway's file is sent to the user. The motivation for doing so would have been to provide Meadway's system with a way to determine whether the file should be held in a queue or transmitted via email in the event that the user is not online (Meadway col. 1, lines 59-61).

Microsoft Press Computer Dictionary discloses that it is known that elements can be removed from a queue (p. 392, col. 1, lines 31-32).

At the time of invention it would have been obvious to a person of ordinary skill in the art that Meadway's requested files could be removed from the queue once the file is transmitted to the user because that is the known nature of a queue.

Therefore it would have been obvious to combine Meadway with Urazov and Microsoft Press Computer Dictionary for the benefit of user preference and standard queue operation to obtain the invention as specified in claims 5, 11, and 17.

With respect to claims 6, 12, and 18, Meadway discloses transferring the file from the second portion of the server side cache (col. 1, lines 63-64).

Meadway does not expressly disclose receiving an instruction from the remote client indicating where to transfer the file and removing the file from the second portion of the server side cache.

Urazov teaches that it is known to use user supplied preference data to specify to what device to transfer data (col. 5, lines 25-30).

Meadway and Urazov are analogous art because they are both from the same field of endeavor of providing data to a user.

At the time of invention it would have been obvious to a person of ordinary skill in the art to use user preference data to determine where Meadway's file should be sent. The motivation for doing so would have been to provide Meadway's system with a way to determine whether the file should be transmitted via email in the event that the user is not online (Meadway col. 1, lines 59-61).

Microsoft Press Computer Dictionary discloses that it is known that elements can be removed from a queue (p. 392, col. 1, lines 31-32).

At the time of invention it would have been obvious to a person of ordinary skill in the art that Meadway's requested files could be removed from the queue once the file is transmitted to the user because that is the known nature of a queue.

Therefore it would have been obvious to combine Meadway with Urazov and Microsoft Press Computer Dictionary for the benefit of user preference and standard queue operation to obtain the invention as specified in claims 6, 12, and 18.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meadway (6,675,205) in view of Microsoft Press Computer Dictionary as applied to claims 13 and 19 above, and further in view of Wong (2002/0191587).

Meadway and Microsoft Press Computer Dictionary do not expressly disclose that the server is communicatively coupled to a speech module for translating text from the file into speech directed to the remote client.

Wong teaches that it is known to use a text-to-speech module for converting text files to speech for presentation to a user (par. 67, lines 2-5)

Meadway and Wong are analogous art because they are from the same field of endeavor of communications systems.

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify Meadway by allowing the system to utilize a text-to-speech module to present a spoken version of the requested file to the user. The motivation for doing so would have been to allow users to listen to requested files from remote locations (par. 67, lines 3-5).

Therefore it would have been obvious to combine Wong with Meadway and Microsoft Press Computer Dictionary for the benefit of remote access to obtain the invention as specified in claim 20.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hollar whose telephone number is 571-272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABH


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